IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 11846 of 2004

Between:

S.Hasmuddin, S/o.Riazuddin,
Khaleel Siddiqui Aided High School, Noonepalli, Nandyal, Kurnool Dist.

..... PETITIONER

AND

1 The Regional Joint Director of School Education, kadapa, Kadapa District.
2 The Commissioner & Director of School Education, Andhra Pradesh,

Saifabad, Hyderabad.
3 The District Educational officer, Kurnool, Kurnool District.
4 The Correspondent, Khaleel Siddiqui, Aided High School Noonepalli,

Nandyal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass orders, particularly one in the nature of writ of Mandamus, declaring the inaction of the respondents in not approving the promotion of the petitioner made by the 4th respondent in Rc.No.27-1/2001, dated 27-2-2004 as arbitrary, illegal, discriminatory and violative of Articles 14, 16 and 21 of the constitution of India, and consequently direct the respondents to approve the promotion of the petitioner with effect from 1-3-2004 with all the benefits, and grant such other relief as this Honourable High court may deem fit and proper.

Counsel for the Petitioner:MR.KASAJAGANMOHAN REDDY

Counsel for the Respondent No.1 to 3: GP FOR SCHOOL EDUCATION

Counsel FOR THE Respondent No.4:------

The Court at the admission stage made the following order:

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THE HON'BLE Dr.JUSTICE G.YETHIRAJULU

WRIT PETITION NO.11846 OF 2004

ORDER:

It is the contention of the petitioner that he was appointed as Secondary Grade Teacher against an aided post after selection by the Staff Selection Committee with the approval of third respondent. He is discharging his duties to the utmost satisfaction of the authorities. He is possessing B.Sc. and B.Ed. qualifications. He is a senior most Secondary Grade Teacher, which is a feeder category for the B.Ed. Assistant post, as such, he is eligible for promotion to the post of B.Ed. Assistant. The petitioner further contends that the first respondent sanctioned one unaided B.Ed. (Maths) post to the third respondent school vide RC.No.341/B3/96, dated 20-05-1996, and that the fourth respondent conducted two direct recruitments in January, 1997 and May, 1997, but the vacancy could not be filled up due to non-availability of qualified candidates. He further contended that the management was pleased to consider his case for promotion as per G.O.Ms.No.75, Education Department, dated 23-09-2002 vide RC.No.27-1/2001, dated 27-02-2004, subject to approval of the competent authority and sent proposals to the first respondent vide RC.No.27-1/01, dated 10-03-2004 for ratification.

The grievance of the petitioner is that the competent authority did not pass any orders ratifying the action of the fourth respondent. It is his further grievance that the third respondent is not paying any salary with effect from 01-03-2003.

In the light of the circumstances mentioned by the petitioner, the first respondent is directed to pass appropriate orders on the proposal sent by the fourth respondent regarding the promotion of the petitioner as B.Ed. (Maths) Assistant. Since the third respondent is allegedly not paying any salary to the petitioner with effect from 01-03-2004, the third respondent is directed to pay the salary of the post viz. Secondary

Grade Teacher, which the petitioner held prior to 01-03-2004, pending receipt of the orders from the first respondent within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

19-07-2004

Note:Furnish copy within

one week.

(bo)

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To

1 The Regional Joint Director of School Education, Kadapada, Kadapa District.
2 The Commissioner & Director of School Education, Andhra Pradesh,

Saifabad, Hyderabad.
3 The District Educational officer, Kurnool, Kurnool District.
4 The Correspondent, Khaleel Siddiqui, Aided High School Noonepalli,

Nandyal, Kurnool District.

5 2CCs to GP for School Education, High Court of A.P., Hyderabad,

(o.u.t)

6 2CD copies